

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LEVON MARGARYAN,	:	CIVIL ACTION NO. 1:20-CV-1016
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
ANGELA HOOVER, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 23rd day of September, 2020, upon consideration of the report (Doc. 9) of Magistrate Martin C. Carlson, recommending that we dismiss the above-captioned action for failure to comply with court orders under Federal Rule of Civil Procedure 41(b), see FED. R. CIV. P. 41(b), specifically citing plaintiff's failure to comply with the court's direction to file a proper complaint and motion for leave to proceed *in forma pauperis*, (see Doc. 9; see also Docs. 4, 5), and it appearing that plaintiff has not objected to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that the failure of a party to timely object to a magistrate judge's conclusions "may result in forfeiture of *de novo* review at the district court level," Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should afford "reasoned consideration" to the uncontested portions of the report, E.E.O.C. v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017) (quoting Henderson, 812 F.2d at 879), in order to "satisfy itself that there is no clear error on the face of the record," FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of

the record, the court being in agreement with Judge Carlson's analysis and recommendation, and concluding that there is no clear error on the face of the record,¹ it is hereby ORDERED that:

1. The report (Doc. 9) of Magistrate Judge Carlson is ADOPTED.
2. This case is DISMISSED pursuant to Federal Rule of Civil Procedure 41(b). See FED. R. CIV. P. 41(b).
3. Plaintiff's motions (Docs. 10, 11) are DENIED as moot.
4. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).
5. The Clerk of Court shall close this case.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner
United States District Judge
Middle District of Pennsylvania

¹ Margaryan has not filed anything that might fairly be construed as an objection to Judge Carlson's report. Nor has Margaryan filed a proper complaint or application to proceed *in forma pauperis* as ordered by the court. He has, however, submitted a number of filings which generally (1) allege that he has been unable to obtain the requisite certified copy of his prisoner trust fund account statement from his former detention facility, Clinton County Correctional Facility ("CCCF"), and thus cannot complete an application to proceed *in forma pauperis*, (2) claim that he was transferred from CCCF to another detention facility in Alabama in retaliation for filing this lawsuit, and (3) ask the court to order CCCF to provide Margaryan with a copy of his prisoner trust fund account statement immediately. But even if we were to grant Margaryan's request, a fundamental problem remains: despite now having three months in which to do so, Margaryan has yet to comply with the court's separate directive that he file a proper complaint describing his individual claims and the nature of the relief sought in accordance with the Federal Rules of Civil procedure. (See Doc. 5 ¶¶ 2-3). Thus, we agree in full with Judge Carlson's recommendation that this matter be dismissed for failure to comply with a court order pursuant to Rule 41(b).